IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL BAIL APPLICATION NO. 2140 OF 2006**

Deepak D. Kangda ...Appellant

Versus

State of Maharashtra ... Respondent.

Mr. Shiv Motariya for the appellant.
Ms. P.H. Kantharia, Additional Public Prosecutor, for the respondent.

**CORAM**: **KSHITIJ R. VYAS, C.J.**
**DATE:** **JUNE 16, 2006**.

**P.C.**

The appellant has challenged the order below Exhibit-1 passed in Criminal Miscellaneous Application No. 778 of 2006 by the learned 4th Additional Sessions Judge, Pune, rejecting the application preferred by the appellant for bail.

2. The appellant is facing trial for the offences punishable under Sections 394, 427 read with Section 34 of the Indian Penal Code. It is the case of the prosecution that on 11th January, 2006, during night hours, when the appellant was travelling in a bus had a quarrel with the cleaner of the bus, used filthy language, assaulted the Cleaner of the bus broke the glass of the bus and took away portable TV and DVD

player forcibly. When the complainant opposed, the appellant slapped and pushed the complainant and escaped in one Max Jeep. The appellant was apprehended by the police and seized the TV and DVD Player under a panchanama.

3. The learned counsel for the appellant submitted that since the appellant himself was travelling in a bus as a passenger, it cannot be held that he has intention to commit an offence of robbery. According to him, the appellant took away TV as well as DVD Player with a view to teach the Complainant a lesson. The so-called explanation given by the learned counsel cannot be considered at this stage as the same can be considered at the time of trial. As far as the present case is concerned, the appellant has been apprehended by the police and recovered the goods . This itself is sufficient to prove the involvement of the appellant in the present crime. In view of this, I find no merit in the application. The application is accordingly rejected.

**CHIEF JUSTICE**